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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

JUN 25 2008

PROMPT REPLY NECESSARYCERTIFIED MAIL: RETURN RECEIPT REQUESTED

Lou Pollak, President
Eagle Affiliates, Inc.
Injectron Corp.
1000 South Second Street
Plainfield, NJ 07063

RE: Lower Passaic River Study Area
Request for Information Pursuant to 42 U.S.C. §§ 9601-9675

Dear Mr. Pollak:

This letter seeks your cooperation in providing information relating to the contamination of the Lower Passaic River Study Area ("LPRSA") of the Diamond Alkali Superfund Site in New Jersey (the "Site"), following up on the information previously provided by Eagle Affiliates, Inc. ("Eagle") in January 1997. We encourage you to give this matter your immediate attention. We request that you provide a complete and truthful response to the attached Request for Information **within 20 business days** of your receipt of this letter.

The United States Environmental Protection Agency ("EPA") is investigating the presence of hazardous substances in the sediments of the Passaic River, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601 *et seq.* EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the LPRSA, which consists of the 17-mile reach of the river from Dundee Dam to Newark Bay and its tributaries, based on the results of remedial investigation activities performed under CERCLA and other environmental studies, including a reconnaissance study of the Passaic River conducted by the United States Army Corps of Engineers ("USACE").

Under Section 104(e)(2) CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority. This authority allows EPA to require persons to provide information and/or

documents relating to the materials that have been or are generated, treated, stored or disposed of at or transported to a facility, and into the nature or extent of a release of a hazardous substance or pollutant or contaminant at or from a facility. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and disposal of hazardous substances that have been released into the Passaic River and which are now present in the LPRSA. EPA believes that you might possess information that may assist the Agency in its investigation of the Site.

As noted above, EPA is in possession of a response by Eagle to an earlier Request for Information from EPA. A copy is enclosed for reference as Attachment C.

While EPA seeks your cooperation in this investigation, compliance with this Request for Information is required by law. In preparing your response to this Request for Information, please follow the instructions provided in Attachment A. When you have prepared your response to the Request for Information, contained in Attachment B, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply or for failure to respond adequately to the Request for Information.

Please note that any information that you provide in response to this Request for Information may be used by EPA in an administrative, civil judicial or criminal proceeding.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold from EPA the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions Section in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist EPA in its investigation of the Site or who may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, you must immediately turn over the additional or different information to EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Request for Information should be postmarked or received by EPA within 20 business days of your receipt of this letter. Your response should be mailed to:


Raymond Basso, Strategic Integration Manager
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway - 19th Floor
New York, New York 10007-1866

Sarah Flanagan, Assistant Regional Counsel
Office of Regional Counsel - Region II
U.S. Environmental Protection Agency
290 Broadway - 17th Floor
New York, New York 10007-1866

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Ms. Flanagan at (212) 637-3136.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,



Raymond J. Basso, Strategic Integration Manager
Emergency and Remedial Response Division

Enclosures

ATTACHMENT A**INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION****A. Directions**

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it responds.
4. In preparing your response to each question, consult with all present and former employees and agents of the Company whom you have reason to believe may be familiar with the matter to which the question pertains. Provide responses to the best of the Company's ability. Submission of cursory responses when other responsive information is available to the Company will be considered non-compliance with this Request for Information.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by the Company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
8. If a document that is requested herein is not available, state the reason that it is not available. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.

11. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such

claims will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

12. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information".
13. If you have objections to some or all of the questions within the Request for Information, you are still required to respond to each of the questions.
14. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

B. Definitions

1. The term "**you**" shall mean the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
2. As used herein, the term "**Company**" refers to Eagle Affiliates as it is currently named and constituted, and also to all predecessors- or successors-in-interest and all subsidiaries, divisions, affiliates and branches of the Company and all of its predecessors or successors in interest. The term "Company" is not limited to corporations.
3. The term "**Passaic River**" includes but is not limited to the 17-mile tidal reach of the Passaic River from Dundee Dam to Newark Bay, and its tributaries, that comprises the Lower Passaic River Study Area of the Diamond Alkali Superfund Site.
4. The terms "**facility**," "**hazardous substance**" and "**person**" shall have the meanings set forth in Sections 101(9), (14), and (21) of CERCLA, 42 U.S.C. §§ 9601(9), (14), and (21) respectively.
5. The terms "**disposal**," "**hazardous waste**" and "**storage**" shall have the meanings contained in Sections 1004(3), (5) and (33) of Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5) and (33), respectively.

6. The term **"pollutant or contaminant"** shall have the same definition as that contained in Section 101(33) of CERCLA and includes any mixtures of such pollutants or contaminants with any other substances.
7. The term **"arrangement"** shall include every separate contract or other agreement between two or more persons, whether written or oral.
8. The term **"material"** or **"materials"** shall include any and all objects, goods, substances, or matter of any kind, including, but not limited to, wastes.
9. The term **"release"** shall have the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
10. The term "industrial waste material" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6904;
 - c. it has a hydrogen ion concentration (pH) of less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is coolant water or blowdown waste from a coolant system;
 - j. it is spent product which could be reused after rehabilitation; or
 - k. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.

7. The term **“document”** and **“documents”** shall include any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in the Company’s possession, custody, or control or known by the Company to exist, including originals and all non-identical copies.
11. The term **“identify”** means, with respect to a natural person, to set forth the person’s name, present or last known employer, business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
12. The term **“identify”** means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/with this request is addressed.
13. The term **“identify”** means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. The Company can provide a copy of any document in lieu of so describing it.
14. The terms **“and”** as well as **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information that might otherwise be construed to be outside of their scope.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

ATTACHMENT B**REQUEST FOR INFORMATION**

1. Answer the following questions regarding the Company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If the Company did business under more than one name, list each name.
 - a) State the correct name and mailing address of the Company.
 - b) State the name and address of the president, chief executive officer or the chairman of the board, or other presiding officer of the Company.
 - c) Identify the state of incorporation or organization of the Company and its agent for service of process in the state of incorporation and in New Jersey.
 - d) If the Company is a subsidiary, division or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related companies. For each related company, describe the relationship to the Company and indicate the date and manner in which each relationship was established.
 - e) How many employees does the Company have?
2. Describe when and how the Company was purchased by or merged with Injectron Corp., or otherwise came to be a part of Injectron Corp.
3. Provide documentation of Injectron's purchase of and/or merger with the Company.
4. Provide any results of any sampling, investigations or assessments of the soil, water, air or other media at or in relation to the Company's location, other than the previously provided Underground Storage Tank Closure and Remedial Investigation Report, December 21, 1994, Underground Storage Tank Soil Boring Investigation, March 9, 1995, and Remedial Investigation and Remedial Action Report, dated January 1997.
5. The Company's January 1997 response to EPA's Request for Information, enclosed as Attachment C, indicates that the Company did not receive, utilize, manufacture, discharge, release, store or dispose of any materials including a number of inorganic substances (arsenic, cadmium, chromium, copper, lead, mercury, nickel, silver, zinc and cyanide), but according to the excerpt from the Heavy Metals Source Determination Study prepared for the Passaic Valley Sewerage Commissioners ("PVSC") in 1980, enclosed as Attachment D, the Company waste water did contain cadmium, chromium, copper, lead, nickel, zinc, arsenic and mercury. Please explain this discrepancy.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

NAME (print or type)_____
TITLE (print or type)_____
SIGNATURE

Sworn to before me this ____ day of ____ 20__

Notary Public Signature

Under the direction of Sarah Flanagan, ORC and Robert Keating, Records Center Manager, attachments were not scanned. Also Notice Letters were not issued to this PRP.

Injectron Corp.

DIAMOND ALKALI SUPERFUND SITE

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